

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS JOHNSON,

Defendant.

Case No. 2:19-cr-20006-1

HONORABLE STEPHEN J. MURPHY, III

_____/

ORDER DENYING MOTION TO EXTEND TIME [15]
AND STRIKING MOTION TO SUPPRESS EVIDENCE [18]

On January 3, 2019, Defendant Marcus Johnson was indicted on three counts: (1) possession with intent to distribute a controlled substance, (2) possession of a firearm in furtherance of a drug trafficking crime, and (3) possession of a firearm by a previously convicted felon. ECF 9. On January 4, 2019, the Court issued a scheduling order. ECF 12. On February 6, 2019, pursuant to the parties' stipulation, the Court found excludable delay, adjourned certain dates, and set the deadline to file motions for April 13, 2019. ECF 13. On May 24, 2019, Defendant filed a motion to extend time until June 7, 2019 to file a motion to suppress evidence. ECF 15. On May 28, 2019, without awaiting the Court's decision on his motion to extend time, Defendant filed his motion to suppress evidence. ECF 18. The Court reviewed the motion to extend time and will deny it. The Court will also strike the motion to suppress evidence.

A Court may grant a party's motion to extend time "for good cause." Fed. R. Crim. P. 45(b)(1). If the motion is filed after the time to act expires, the Court may grant the motion only if the party failed to timely file it due to excusable neglect. *Id.*

Here, Defendant filed a motion to extend time to file a motion to suppress more than one month after the motion deadline passed. And his motion for an extension of time demonstrates neither excusable neglect for his failure to timely file the motion nor good cause to extend the time. The motion notes that "[t]he evidence the Government intends to produce against Defendant is mountainous," that "[u]pon diligent and repetitive review of the discovery by Counsel, and recollection and reflection of Defendant, Defendant has revealed to Counsel potential challenges of the evidence," and that "[i]t's in the interest of justice that Defendant be provided a thorough and robust defense." ECF 15, PgID 42. But Defendant provides no justification for why he needs an extension of time to file the motion or why he waited more than one month after the deadline to request an extension. The Court will therefore deny the motion. Because Defendant already filed the motion to suppress evidence, the Court will strike the motion.

WHEREFORE, it is hereby **ORDERED** that Defendant's motion to extend time to file a motion to suppress evidence [15] is **DENIED**.

IT IS FURTHER ORDERED that the Clerk of the Court shall **STRIKE** Defendant's motion to suppress evidence [18].

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: May 30, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 30, 2019, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager